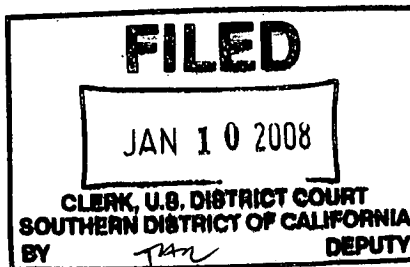


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


'08 MJ 8013

UNITED STATES OF AMERICA,) Magistrate's Case No.:
)
Plaintiff,) COMPLAINT FOR VIOLATION OF
)
v.) Title 21, U.S.C., § 841(a)(1)
) Possession with Intent to
Juan ROJO-Castaneda,) Distribute (Felony)
)
Defendant.)

The undersigned complainant being duly sworn states:

That on or about January 9, 2008, within the Southern District of California, defendant Juan ROJO-Castaneda did knowingly and intentionally possess, with intent to distribute approximately 168 kilograms (369 pounds) of marijuana, Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.



RICHARD SLATTERY
Special Agent
Drug Enforcement Administration

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10TH DAY
OF JANUARY, 2008.



PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Juan ROJO-Castaneda

4 STATEMENT OF FACTS

5 I, Special Agent Richard Slattery, of the Drug
6 Enforcement Administration affirm that the following is true
7 and correct:

8 On January 9, 2007, as the Duty Agent for the Imperial
9 County District Office (ICDO), I responded to the United
10 States Border Patrol (USBP) Highway 86 Checkpoint near
11 Westmorland, California, and was provided the following
12 information from USBP reports, and statements from the
13 arresting agents regarding the arrest of Juan ROJO-Castaneda:

14 On January 9, 2007, at approximately 3:20 a.m., USBP
15 Agent F. Carretero was working at the Highway 86 Checkpoint
16 near Westmorland at primary inspection screening when a gray
17 Ken worth tractor trailer, bearing California license plates
18 VP04016, arrived at the checkpoint. The vehicle was driven by
19 Juan ROJO-Castaneda.

20 ROJO-Castaneda stated he was a lawful permanent resident
21 and presented Agent Carretero with a valid I-551 Permanent
22 Resident Card. ROJO-Castaneda stated his trailer was empty
23 and he was on his way to Bakersfield, California. Agent
24 Carretero observed ROJO-Castaneda becoming extremely nervous,
25 fidgeting and avoiding eye contact. ROJO-Castaneda was very
26 anxious to finish answering questions and asked Agent
27 Carretero if he (ROJO-Castaneda) could continue on his way.

28 In pre-primary inspection, USBP K-9 Agent Vega and his

assigned dog were inspecting the ROJO-Castaneda's trailer.

1 The dog alerted on the rear doors of the trailer. ROJO-
2 Castaneda was referred to the secondary inspection area.

3 In secondary inspection ROJO-Castaneda consented with
4 Agent Vega to a further inspection of the trailer. ROJO-
5 Castaneda then proceeded to open the rear doors of the
6 trailer. The K-9 alerted positive to the trailer. Once the
7 doors were open Agent Vega smelled the strong odor of
8 marijuana. A subsequent search of the trailer revealed
9 eighteen (18) bales of marijuana contained inside two empty
10 plastic bins at the front of the trailer. The marijuana had a
11 total weight of approximately 168 kilograms (369 pounds). It
12 is noted that utilizing a Narcotics Identification Kit (NIK)
13 the marijuana tested positive.

14 Drug Enforcement Administration Special Agent R. Slattery
15 and TFO P. Tabarez responded to the USBP checkpoint. ROJO-
16 Castaneda was read his Miranda rights per Form DEA-13A by TFO
17 Tabarez. ROJO-Castaneda stated he understood his rights and
18 agreed to answer questions without the presence of an
19 attorney. ROJO-Castaneda gave the following post arrest
20 statements:
21

22 ROJO-Castaneda claimed he had no knowledge his trailer
23 contained narcotics. ROJO-Castaneda stated he owns the
24 tractor trailer and he works for Juarez Brothers Trucking,
25 Inc., in Bakersfield, California. On January 8, 2008, ROJO-
26 Castaneda delivered a load of carrots to El Centro Cold
27 Storage warehouse in El Centro, California. At approximately
28 11:45 P.M. once his trailer was unloaded a fork-lift operator

known as "El Gordo" loaded the trailer with empty plastic bins. ROJO-Castaneda remained inside his tractor and did not observe his trailer being loaded.

ROJO-Castaneda then drove to Westmorland, California, parked his trailer and slept for a few hours before proceeding north. ROJO-Castaneda said he was going to drop off the plastic bins at Grimmway Farms in Bakersfield before he was stopped at the USBP checkpoint. ROJO-Castaneda stated David Hernandez is the dispatcher working for the Juarez Brothers Trucking. ROJO-Castaneda had no additional information to add and the interview was terminated.

On January 9, 2008 S/A Slattery and TFO Tabarez went to River Ranch Fresh Foods, LLC located at 170 N 1st Street El Centro, California and spoke with Richard Hiura the Director of Processing and Packaging. Hiura confirmed that River Ranch received a shipment of carrots from Grimmway Farms on January 8, 2008 at 11:17AM. Hiura stated that River Ranch only receives shipments of carrots in the morning hours. It is noted that there is no such person who works at River Ranch that goes by the name of El Gordo.